

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee.

v.

No. 99-4078

GEORGE C. VINEYARD, JR.,
Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Virginia, at Norfolk.
Rebecca B. Smith, District Judge.
(CR-91-89-N)

Submitted: July 20, 1999

Decided: August 4, 1999

Before MURNAGHAN, ERVIN, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

M. Woodrow Griffin, Jr., Hampton, Virginia, for Appellant. Helen F. Fahey, United States Attorney, Robert E. Bradenham II, Assistant United States Attorney, Sean P. Henseler, Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

George C. Vineyard appeals an order of the district court revoking his supervised release and imposing a three-year term of imprisonment. Acting pro se, Vineyard has also requested leave to file a supplemental brief and moved for appointment of new counsel, for leave to file a response to the reply brief (should one be filed), and to expedite the appeal. We grant leave to file the supplemental brief, deny the remaining motions, and affirm the sentence.

When imposing sentence after revocation of supervised release, the district court must consider various factors, including the applicable policy statements issued by the Sentencing Commission. See 18 U.S.C.A. §§ 3553(a)(4)(B), 3583(e) (West Supp. 1999). However, a sentencing court is not required to impose a sentence within the range recommended in Chapter 7 of the U.S. Sentencing Guidelines Manual. See United States v. Davis, 53 F.3d 638, 639 n.1 (4th Cir. 1995). The sentence should thus be affirmed unless it is plainly unreasonable. See 18 U.S.C. § 3742(a)(4) (1994). Given the number and duration of the violations, and the district court's finding that Vineyard had not made a serious attempt to comply with the terms of his supervised release, we find that the sentence was not plainly unreasonable.

We grant Vineyard's motion for leave to file a supplemental brief. However, we find that the issues raised by Vineyard in his supplemental brief are without merit. We therefore affirm the conviction and sentence. We deny the motion for appointment of new counsel and deny as moot the motion for leave to file a response to the government's reply brief and the motion to expedite.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED